

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LONNIE RAY CARTER,

Plaintiff,

v.

SERGEANT R. BRINSON, *et al.*,

Defendants.

CASE NO. C05-5402-RSM

ORDER GRANTING DEFENDANTS'  
MOTION FOR SUMMARY JUDGMENT

The Court, having reviewed plaintiff's civil rights complaint, defendants' motion for summary judgment, the Report and Recommendation of the Honorable James P. Donohue, United States Magistrate Judge, plaintiff's objections, and the balance of the record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) Defendants' motion for summary judgment (Dkt. No. 41) is GRANTED. Plaintiff's complaint (Dkt. No. 7) and this action are DISMISSED, with prejudice, pursuant to 28 U.S.C. § 1915(e)(2)(B)(I).
- (3) Plaintiff's Motion to Appoint Counsel (Dkt. No. 56) is STRICKEN as moot.

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(4) The Clerk is directed to count this dismissal as a strike under **28 U.S.C. § 1915(g)**, and to send copies of this Order to plaintiff, to counsel for defendants, and to the Honorable James P. Donohue.

DATED this 23 day of October, 2007.



RICARDO S. MARTINEZ  
UNITED STATES DISTRICT JUDGE